

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 95009**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-031-95**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

### Nevada State Environmental Commission

Classification [ ] Proposed [ ] Adopted By Agency [xx] Temporary [ ] Emergency [ ]

**Brief description of action:** **Petition 95009** permanently amends NAC 445A.070 to 445A.348 to revise and establish water quality standards for the lake and tributaries of the Nevada portion of the Lake Tahoe Basin. The new standards prescribe the beneficial uses and numeric criteria for: total nitrogen, nitrite, temperature, a biological "escherichia coli" value, total dissolved solids, sulfates, turbidity, sodium absorption, ph, total phosphates, ammonia, and chloride. NAC 445A.122 was amended to add extraordinary and aesthetic value and enhancement of downstream waters as standards applicable for beneficial uses.

**Authority citation other than 233B:** NRS 445.201 and 445.244

**Notice date:** August 31, 1995, September 6, 1995, and September 12, 1995.

**Hearing date:** October 3, 1995

**Date of Adoption of Agency:** October 3, 1995

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 95009  
LCB FILE R-031-95**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Petition 95009 (R-031-95) was noticed three (3) times: August 31, September 6, 1995 and September 12, 1995 in the Las Vegas Review and Reno Gazette-Journal newspapers as a permanent petition. This petition was previously noticed as a temporary petition. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670, or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**2. The number persons who:**

- (a) **Attended each hearing;** 23
- (b) **Testified at each hearing:** 14
- (c) **Submitted to the agency written comments:** No comments were submitted for this petition. Overall, six comments were submitted to the Commission at the hearing when this petition was adopted. Also see petitions 95003, 96001 and 96002 for a discussion on the comments received.

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. No public comment was received. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 128, Carson City, Nevada 89710.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted at the State Environmental Commission hearing on October 3, 1995 with no changes proposed by the public, businesses or the agency. This regulations was previously adopted as a temporary regulation on April 4, 1995.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.
  - a. The proposed revisions are not expected to have any immediate or long term economic effects on the regulated community.
  - b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations which the proposed amendments duplicate.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

These regulations are consistent with federal regulations and they are not more stringent than the federal regulations.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide for a new fee, and hence since no fee is involved there is not a total amount expected to be collected or used.

# PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R031-95

Explanation: Matter in *italics* is new; matter in [ ] is material to be omitted.

AUTHORITY: NRS 445.201 and 445.244.

**Section 1.** Chapter 445A is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *The standards of water quality for Lake Tahoe are prescribed in NAC 445A.191. The beneficial uses for this area are:*

- 1. Irrigation;*
- 2. Watering of livestock;*
- 3. Recreation not involving contact with the water;*
- 4. Recreation involving contact with the water;*
- 5. Industrial supply;*
- 6. Propagation of wildlife;*
- 7. Propagation of aquatic life, including a coldwater fishery;*
- 8. Municipal or domestic supply, or both; and*
- 9. Water of extraordinary ecological or aesthetic value.*

**Sec. 3.** *The standards of water quality for tributaries to Lake Tahoe are prescribed in sections 4 and 5 of this regulation. The beneficial uses for those tributaries are:*

- 1. Irrigation;*
- 2. Watering of livestock;*
- 3. Recreation not involving contact with the water;*
- 4. Recreation involving contact with the water;*
- 5. Industrial supply;*
- 6. Propagation of wildlife;*
- 7. Propagation of aquatic life, including a coldwater fishery;*
- 8. Municipal or domestic supply, or both; and*
- 9. Enhancement of water quality.*

Sec. 4.

**STANDARDS OF WATER QUALITY**

**Lake Tahoe Tributaries**

*The following standards apply to all tributaries to Lake Tahoe located in Nevada:*

***pH Units***

***Single Value*** ..... ***within range***      ***6.5-9.0***

***Dissolved Oxygen -mg/l***

***Single Value*** ..... ***not less than***      ***6.0***

***Total Phosphates (as P) - mg/l***

***Annual Average*** ..... ***not more than***      ***0.05***

***Nitrate (as N) - mg/l***

***Single Value*** ..... ***not more than***      ***10.0***

***Nitrite (as N) - mg/l***

***Single Value*** ..... ***not more than***      ***0.06***

***Ammonia-unionized - mg/l***

***Single Value*** ..... ***not more than***      ***0.004***

***Total Suspended Solids - mg/l***

***Single Value*** ..... ***not more than***      ***25.0***

***Turbidity - NTU***

***Single Value*** ..... ***not more than***      ***10.0***

***Color - PCU***

***Single Value*** ..... ***not more than***      ***75.0***

***Total Dissolved Solids - mg/l***

***Annual Average*** ..... ***not more than***      ***500.0***

***Chloride - mg/l***

***Single Value*** ..... ***not more than***      ***250.0***

Petition 95009 (LCB R031-95) was adopted as a permanent regulation by the Nevada State Environmental Commission on October 3, 1994. LCB R031-95 became effective upon filing with the Secretary State on November 9, 1995, by the Legislative Counsel Bureau.  
Codified 12/4/95

***Sulfate - mg/l***

***Single Value . . . . . not more than 250.0***

***Sodium - SAR***

***Annual Average . . . . . not more than 8.0***

***Escherichia Coli - No./100ml***

***Single Value . . . . . not more than 126.0***

***Temperature EC***

***Single Value (October 1 through May 31) . . . . . not more than 10.0***

***Single Value (June 1 through September 30) . . . . . not more than 20.0***

***Sec. 5. The water quality of any tributary to Lake tahoe which is higher than any applicable standard must be maintained at that higher quality . The following requirements to maintain existing higher quality waters apply at the following control points.***

# STANDARDS TO MAINTAIN HIGHER QUALITY WATERS WITHIN LAKE TAHOE TRIBUTARIES

<i>Control Point</i>	<i>pH (Standard Units)</i>	<i>Total Phosphates (as P) mg/l</i>	<i>Total Nitrogen (as N) mg/l</i>	<i>Chloride, Dissolved, mg/l</i>	<i>Total Dissolved Solids, mg/l</i>	<i>Total Suspended Solids, mg/l</i>	<i>Turbidity, NTU</i>	<i>Color, PCU</i>
<i>E. Fork Incline Cr. at Ski Incline <sup>a</sup></i>	<i>SV: 7.4-7.9</i>		<i>SV: 1.1 AA: 0.4</i>	<i>SV: 4.0 AA: 2.0</i>	<i>SV: 70 AA: 55</i>			<i>no increase &gt; 10</i>
<i>W. Fork Incline C. at State Hwy. 431 <sup>b</sup></i>	<i>SV: 7.2-8.0</i>		<i>SV: 0.9 AA: 0.5</i>	<i>SV: 6.0 AA: 5.0</i>	<i>SV: 80 AA: 80</i>	<i>SV: N/A AA: 8.0</i>	<i>SV: 3.0 AA: 2.0</i>	<i>no increase &gt; 10</i>
<i>Incline Creek at Lakeshore Drive <sup>c</sup></i>	<i>SV: 7.2-8.3</i>		<i>SV: 1.8 AA: 1.2</i>	<i>SV: 8.0 AA: 6.0</i>	<i>SV: 85 AA: 70</i>			<i>no increase &gt; 10</i>
<i>E. Fork Third Cr. of State Hwy. 431</i>	<i>SV: 7.3-8.0</i>	<i>SV: AA: 0.045</i>	<i>SV: 0.5 AA: 0.3</i>	<i>SV: 5.0 AA: 3.0</i>	<i>SV: 80 AA: 65</i>	<i>SV: N/A AA: 20.0</i>	<i>SV: 3.0 AA: 2.0</i>	<i>no increase &gt; 10</i>
<i>Third Creek at Lakeshore Drive <sup>e</sup></i>	<i>SV: 7.3-8.4</i>		<i>SV: 1.4 AA: 1.0</i>	<i>SV: 5.0 AA: 4.0</i>	<i>SV: 75 AA: 55</i>			<i>no increase &gt; 10</i>
<i>Wood Creek at Lakeshore Drive <sup>f</sup></i>	<i>SV: 7.2-8.2</i>		<i>SV: 0.7 AA: 0.5</i>	<i>SV: 5.0 AA: 3.0</i>	<i>SV: 70 AA: 60</i>			<i>no increase &gt; 10</i>
<i>Second Creek at Second Creek Dr. <sup>g</sup></i>	<i>SV 7.3-8.0</i>		<i>SV: 0.3 AA: 0.2</i>	<i>SV: 5.0 AA: 3.0</i>	<i>SV: 70 AA: 65</i>			<i>no increase &gt; 10</i>
<i>Second Creek at Lakeshore Drive <sup>h</sup></i>	<i>SV: 7.2-8.2</i>		<i>SV: 0.6 AA: 0.3</i>	<i>SV: 6.0 AA: 3.0</i>	<i>SV: 80 AA: 60</i>			<i>no increase &gt; 10</i>
<i>First Creek at Dale and Knotty Pine Drive <sup>i</sup></i>	<i>SV: 7.2-8.1</i>	<i>SV: AA: 0.043</i>	<i>SV: 0.3 AA: 0.2</i>	<i>SV: 3.0 AA: 2.0</i>	<i>SV: 80 AA: 70</i>		<i>SV: 4.0 AA: 2.0</i>	<i>no increase &gt; 10</i>
<i>First Creek at Lakeshore Drive <sup>j</sup></i>	<i>SV: 7.3-8.2</i>		<i>SV: 0.6 AA: 0.3</i>	<i>SV: 4.0 AA: 3.0</i>	<i>SV: 90 AA: 75</i>		<i>SV: 9.0 AA: 8.0</i>	<i>no increase &gt; 10</i>

## FOOTNOTES

- a. Control Point at the East Fork of Incline Creek at the Ski Resort. The standards specified in the table apply to the East Fork of Incline Creek from the Ski Resort to the origin of the East Fork of Incline Creek.
- b. Control Point at the West Fork of Incline Creek at State Hwy. 431. The standards specified in the table apply to the West Fork of Incline Creek from State Hwy. 431 to the origin of the West Fork of Incline Creek.
- c. Control Point at Incline Creek at Lakeshore Drive. The standards specified in the table apply to Incline Creek from the confluence with Lake Tahoe to the Ski Resort in the East Fork of Incline Creek and to State Hwy. 431 in the West Fork of Incline Creek.
- d. Control Point at the East Fork of Third Creek at State Hwy. 431. The standards specified in the table apply from the East Fork of Third Creek at State Hwy. 431 to the origin of the East Fork of Third Creek.
- e. Control Point at Third Creek at Lakeshore Drive. The standards specified in the table apply to Third Creek from the confluence with Lake Tahoe to State Hwy. 431 in the East Fork of Third Creek and to the origin of the West Fork of Third Creek.
- f. Control Point at Wood Creek at Lakeshore Drive. The standards specified in the table apply to Wood Creek from the confluence with Lake Tahoe to the origin of Wood Creek.
- g. Control Point at Second Creek at Second Creek Drive. The standards specified in the table apply to Second Creek from Second Creek Drive to the origin of Second Creek.
- h. Control Point at Second Creek at Lakeshore Drive. The standards specified in the table apply to Second Creek from the confluence with Lake Tahoe to Second Creek Drive.
- i. Control Point at First Creek at Dale and Knotty Pine Drives. The standards specified in the table apply to First Creek from Dale and Knotty Pine Drives to the origin of First Creek.
- j. Control point at First Creek and Lakeshore Drive. The standards specified in the table apply to First Creek from the confluence with Lake Tahoe to Dale and Knotty Pine Drives.

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Codified 12/4/95



**Sec. 6.** NAC 445A.122 is hereby amended to read as follows:

445A.122 1. The following standards are intended to protect both existing and designated beneficial uses and must not be used to prohibit the use of the water as authorized under Title 48 of NRS:

- (a) Watering of livestock. The water must be suitable for the watering of livestock without treatment.
- (b) Irrigation. The water must be suitable for irrigation without treatment.
- (c) Aquatic life. The water must be suitable as a habitat for fish and other aquatic life existing in a body of water. This does not preclude the reestablishment of other fish or aquatic life.
- (d) Recreation involving contact with the water. There must be no evidence of manmade pollution, floating debris, sludge accumulation or similar pollutants.
- (e) Recreation not involving contact with the water. The water must be free from:
  - (1) Visible floating, suspended or settled solids arising from man's activities;
  - (2) Sludge banks;
  - (3) Slime infestation;
  - (4) Heavy growth of attached plants, blooms or high concentrations of plankton, discoloration or excessive acidity or alkalinity that leads to corrosion of boats and docks;
  - (5) Surfactants that foam when the water is agitated or aerated; and
  - (6) Excessive water temperatures.
- (f) Municipal or domestic supply. The water must be capable of being treated by conventional methods of water treatment in order to comply with Nevada's drinking water standards.
- (g) Industrial supply. The water must be treatable to provide a quality of water which is suitable for the intended use.
- (h) Propagation of wildlife. The water must be suitable for the propagation of wildlife and water fowl without treatment.

***(i) Waters of extraordinary ecological or aesthetic value. The unique ecological or aesthetic value of the water must be maintained.***

***(j) Enhancement of water quality. The water must support natural enhancement or improvement of water quality in any water which is downstream.***

2. This section does not entitle an appropriator to require that the source meet his particular requirements for water quality.

**Sec. 7.** NAC 445A.128 is hereby amended to read as follows:

445A.128 As used in NAC 445A.143 to 445A.213, inclusive, ***and sections 2 to 5, inclusive, of this regulation,*** the terms and symbols defined in NAC 445A.129 to 445A. 142, inclusive, have the meanings ascribed to them in those sections.

**Sec. 8.** NAC 445A.191 is hereby amended to read as follows:  
445A.191

STANDARDS OF WATER QUALITY [STANDARDS]  
Lake Tahoe

Control Point: Existing sampling points.

pH Units

Single Value . . . . .	within range	7.0-8.4
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Dissolved Oxygen - Percent of Saturation

Single Value . . . . .	not less than	90.0
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Chlorides - mg/l

Annual Average . . . . .	not more than	3.0
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Single Value . . . . .	not more than	5.0
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Soluble Phosphorus - Fg/l

Annual Average . . . . .	not more than	7.0
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***Total Nitrogen (as N) - mg/l***

<b><i>Annual Average . . . . .</i></b>	<b><i>not more than</i></b>	<b><i>0.25</i></b>
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<b><i>Single Value . . . . .</i></b>	<b><i>not more than</i></b>	<b><i>0.32</i></b>
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Total Soluble Inorganic Nitrogen - Fg/l

Annual Average . . . . .	not more than	25.0
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***Nitrite (as N) - mg/l***

<b><i>Single Value . . . . .</i></b>	<b><i>not more than</i></b>	<b><i>0.06</i></b>
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***Ammonia-unionized - mg/l***

<b><i>Single Value . . . . .</i></b>	<b><i>not more than</i></b>	<b><i>0.003</i></b>
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***Escherichia Coli - No./100 ml***

<b><i>Single Value . . . . .</i></b>	<b><i>not more than</i></b>	<b><i>126.0</i></b>
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## Coliform Organisms - MPN/100 ml

A density not greater than the values shown in the following table:

	Median	Maximum
Undeveloped Lake Front Areas		
10 yards offshore . . . . .	5.0	32.0
100 yards offshore . . . . .	3.0	15.0
Developed Lake Front Areas		
10 yards offshore . . . . .	240.0	700.0
100 yards offshore . . . . .	15.0	64.0
Directly Influenced by Streams		
10 yards offshore . . . . .	240.0	700.0
100 yards offshore . . . . .	32.0	240.0

## Temperature EC

*Single value (October 1 - May 31) . . . . . not more than 10.0*  
*Single value (June 1 - September 30) . . . . . not more than 20.0*

Permissible temperature increase above natural receiving water

temperature . . . . . none

Algal Growth Potential - **[the]** *The* mean annual algal growth potential at any point in the lake must not be greater than twice the mean annual algal potential at a limnetic reference station and using analytical methods determined jointly with the Environmental Protection Agency, Region IX.

## Plankton Count - number per ml

Average (June through September) . . . . . not to exceed 100.0  
 Single Value . . . . . not to exceed 500.0

## Specific Electrical Conductance **[0]** micromhos per cm at 20E

Annual Average . . . . . not to exceed 95.0  
 Single Value . . . . . not to exceed 105.0

## *Total Dissolved Solids - mg/l*

*Annual Average . . . . . not more than 60.0*  
*Single Value . . . . . not more than 70.0*

## *Sulfate - mg/l*

*Single Value . . . . . not more than 2.0*

## *Sodium - SAR*

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*Annual Average ..... not more than 8.0*

Clarity - The vertical extinction coefficient **[of] *must be*** less than 0.08 per meter when measured at any depth below the first meter **.[and a turbidity less than 3 Jackson Units] *Turbidity must not exceed 3 NTU*** at any point of the lake **[to] *too*** shallow to determine a reliable extinction coefficient.

Turbidity - **[In order to] *To*** minimize turbidity levels in Lake Tahoe and tributary streams and control erosion:

1. The discharge of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials to Lake Tahoe or any tributary thereto is prohibited.
2. The discharge of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials to lands below the high water rim of Lake Tahoe or along any tributary to Lake Tahoe in a manner which will cause the discharge of the waste materials to Lake Tahoe or any tributary thereto is prohibited.
3. The placement or man-made disturbance of material below the high water rim of Lake Tahoe or along any tributaries to Lake Tahoe in a manner which will cause the discharge of solid or liquid waste materials including soil, silt, clay, sand and other organic and earthen materials to Lake Tahoe or any tributary thereto is prohibited.

END OF LCB R031-95